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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN RE: SEARCH WARRANT

No. 24-MJ-00357

13 Public Storage Unit 2036  
14 located at 19102 E Walnut  
Drive N, Rowland Heights,  
15 California 91748  
16 ("SUBJECT LOCATION")

GOVERNMENT'S EX PARTE APPLICATION  
FOR AN ORDER POSTPONING SERVICE OF  
WARRANT AND REQUEST FOR SEALING;  
DECLARATION OF MICHELLE STORMS

**(UNDER SEAL)**

17  
18 The United States of America, by and through its counsel of  
19 record, the United States Attorney for the Central District of  
20 California, hereby applies ex parte for an order pursuant to Federal  
21 Rule of Criminal Procedure 41(f)(3) and 18 U.S.C. § 3103a(c)  
22 delaying the service of the search warrant previously ordered in the  
23 above-captioned case. This application also seeks leave to file  
24 this application and proposed order under seal.

25 This application is based on the files and records in the  
26 above-captioned case, as well as the attached Declaration of  
27 MICHELLE STORMS.  
28

1 As stated in the declaration of Task Force Officer Michelle  
2 Storms, on January 23, 2024, this Court, upon a showing of probable  
3 cause by the government, issued a search warrant for Public Storage  
4 Unit 2036 located at 19102 E Walnut Drive N, Rowland Heights,  
5 California 91748 (the "SUBJECT LOCATION").

6 With respect to the showing necessary to justify a delay, 18  
7 U.S.C. § 3103a(b) states that notice may be delayed if, inter alia,  
8 the court finds reasonable cause to believe that providing immediate  
9 notification of the execution of the warrant may have an adverse  
10 result. An adverse result is defined in 18 U.S.C. § 2705 as  
11 including the endangerment of the physical safety of a person;  
12 flight from prosecution; destruction or tampering with evidence;  
13 intimidation of potential witnesses; and serious jeopardy of an  
14 investigation. Moreover, the Advisory Committee Notes for Fed. R.  
15 Crim. P. 41(f)(3) state that delay of notice may be appropriate  
16 where "the officer establishes that the investigation is ongoing and  
17 that disclosure of the warrant will compromise that investigation."  
18 Finally, Section 3103a(c) provides that:

19 Any period of delay authorized by this section may be  
20 extended by the court for good cause shown, subject to the  
21 condition that extensions should only be granted upon an  
22 updated showing of the need for further delay and that  
each additional delay should be limited to periods of 90  
days or less, unless the facts of the case justify a  
longer period of delay.

23 In this case, the original order permitted a delay of  
24 notification for 30 days, that is until February 22, 2024. Pursuant  
25 to that original order, the search warrant was executed on January  
26 25, 2024. Since the original order, there has been one additional  
27 order further delaying notice for a period of 90 days, until May 22,  
28 2024.

1 As stated in the declaration of Task Force Officer MICHELLE  
2 STORMS, the immediate service of the warrant will seriously  
3 jeopardize the ongoing, complex, multi-jurisdictional ATM skimming  
4 investigation, and may cause co-conspirators to flee, the  
5 intimidation of potential witnesses, or result in the destruction of  
6 or tampering with evidence beyond the scope of the warrant. Further,  
7 the affidavit in support of the search warrant describes  
8 investigative techniques that may jeopardize ongoing investigations  
9 if the affidavit were to be disclosed, such as surreptitious entry  
10 into SUBJECT LOCATION and GPS tracking of cellular devices.  
11 Accordingly, for good cause shown, the government seeks the delay of  
12 the service of the warrant for a further period of 90 days.

13  
14 Dated: May 22, 2024

Respectfully submitted,

15 E. MARTIN ESTRADA  
16 United States Attorney

17 MACK E. JENKINS  
18 Assistant United States Attorney  
Chief, Criminal Division

19 /s/  
20 JASON A. GORN  
Assistant United States Attorney

21 Attorneys for Applicant  
22 UNITED STATES OF AMERICA  
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DECLARATION OF MICHELLE STORMS

I, Michelle Storms, do hereby declare and affirm:

1. I am a Deputy Sheriff for the San Diego County Sheriff's Department. I have been a Deputy Sheriff since January 2011. I am currently assigned to the San Diego Federal Bureau of Investigation (FBI) field office, Organized Crime Squad (OC-1) and have been so since February 2022. I was cross sworn with the FBI on November 28, 2022. As a member of this squad, I investigate complex, criminal-enterprise activity, such as money-laundering, racketeering, and more. Based on this training and experience, I am familiar with the manner in which such crimes are perpetrated; and techniques, methods, or practices commonly used by these criminal enterprises.

2. I was previously assigned to the San Diego Human Trafficking Task Force and previously cross sworn with the United States Marshall's Service. I have received training and gained experience in interviewing and interrogation techniques, surveillance techniques, arrest procedures, search warrant applications, the execution of searches and seizures, computer evidence seizure and processing, and various other criminal laws and procedures.

3. Through training, interviews, and collaboration with several local, state, and federal agencies, I am familiar with the actions, traits, and habits utilized by subjects involved in skimming activities. I have also participated in hundreds of hours of surveillances associated with skimming activities. Based on my training and experience, I am aware that subjects involved in skimming activities generally keep and maintain skimming equipment and materials in their possession. Experience in similar cases has

1 established that such equipment and materials are regularly  
2 concealed in a suspect's residence, automobile, office, storage  
3 units, concealed compartments, on their person, or other locations  
4 that are considered safe. Such equipment and materials commonly  
5 concealed take various forms and include, but are not limited to,  
6 hidden skimming devices inside music speaker boxes and karaoke  
7 machines, pinhole cameras wrapped in clothing items or plastic bags,  
8 stacks of ATM Cards hidden in cardboard boxes and bags, notes in  
9 code, deposit slips, wired money transactions, savings pass books,  
10 hidden bank accounts, photographs of co-conspirators, various forms  
11 of commercial paper, personal address books, notebooks, records,  
12 receipts, ledgers, travel receipts (rental receipts, airline  
13 tickets, bus tickets, or train tickets) both commercial and private,  
14 money orders and other papers or documents which contain evidence  
15 relating to skimming activities.

16 4. This declaration is made in support of an application for  
17 an order pursuant to Federal Rule of Criminal Procedure 41(f)(2)(C)  
18 and (f)(3), as well as 18 U.S.C. § 3103a(c), delaying the service of  
19 the search warrant obtained in this case. The facts set forth in  
20 this declaration are based upon my own personal observations, my  
21 training and experience, and information obtained during this  
22 investigation from other sources. This declaration is intended to  
23 show that there is good cause to delay service of the previously  
24 obtained warrant and does not purport to set forth all of my  
25 knowledge of, or investigation into, this matter.

26 5. On January 23, 2024, Special Agent Saif Albazzaz obtained  
27 from the Honorable Alka Sagar, United States Magistrate Judge, a  
28 federal warrant authorizing the search of Public Storage Unit 2036

1 located at 19102 E Walnut Drive N, Rowland Heights, California  
2 91748, (the "SUBJECT LOCATION"). On January 25, 2024, the search  
3 warrant was executed on the SUBJECT LOCATION. The search warrant  
4 further authorized a delayed notice period of 30 days, that is until  
5 February 22, 2024. On February 21, 2024, the Court entered an order  
6 authorizing a further delayed notice period of 90 days, that is  
7 until, May 22, 2024.

8 6. Based on my training and experience, I believe that good  
9 cause exists to delay the service of the warrant as normally  
10 required for an additional period of 90 days because over the past  
11 year, and as part of an ongoing investigation, the FBI has been  
12 investigating the lessees of the SUBJECT LOCATION and others known  
13 and unknown, in connection with possible violations of federal law,  
14 including 18 U.S.C. §§ 1956, 1957 (money laundering); 18 U.S.C.  
15 § 1029 (access device fraud); 18 U.S.C. §§ 1344, 1349 (bank fraud  
16 and conspiracy); 18 U.S.C. § 1028A (aggravated identity theft); 18  
17 U.S.C. § 1343 (wire fraud); and 18 U.S.C. § 371 (conspiracy) (the  
18 "SUBJECT OFFENSES")

19 7. The lessees of the SUBJECT LOCATION continue to conduct  
20 skimming activities and were observed engaging in skimming activity  
21 as recently as April 2024, after the search of the SUBJECT LOCATION.

22 8. Disclosure of the warrant to the lessees of the SUBJECT  
23 LOCATION could seriously jeopardize the ongoing, complex, multi-  
24 jurisdictional ATM skimming investigation, and may cause co-  
25 conspirators to flee, the intimidation of potential witnesses, or  
26 result in the destruction of or tampering with evidence beyond the  
27 scope of the warrant. Further, the affidavit in support of the search  
28 warrant describes investigative techniques that may jeopardize

1 ongoing investigations if the affidavit were to be disclosed, such as  
2 surreptitious entry into SUBJECT LOCATION and GPS tracking of  
3 cellular phones.

4 9. For the foregoing reasons, I request that the service of  
5 the warrant be delayed for a further period of 90 days. In  
6 addition, because of the ongoing nature of this investigation, I  
7 request that both this application and the proposed order be filed  
8 under seal.

9 I declare and affirm under penalty of perjury that the  
10 foregoing is true and correct to the best of my knowledge.

11  
12 Executed on May 22, 2024, at San Diego, California.

13 /s/

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15 MICHELLE STORMS  
16 SAN DIEGO COUNTY SHERIFF'S  
17 DEPARTMENT  
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